

Applicant(s): V. Dicken.
Application No.: 10/781,354
Examiner: D. Hajnik

Remarks

Claims 1-17 remain in this application and are presented for the Examiner's review and consideration. Claims 1, 3, 6, 8, and 10 have been amended, and claims 13-17 have been added. Applicant believes the amendments and remarks herein serve to clarify the present invention and are independent of patentability.

Claim Objections

Claims 1, 8, and 10 were objected to because of spelling informalities. Claim 3 was objected to for the phrase "the reference plane" lacks antecedent basis. In response, Applicant has corrected the informalities and respectfully requests that the objections be withdrawn.

35 U.S.C. §112 Rejection

Claims 6 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that the phrases "for example" and "such as" render the claims indefinite. In response, Applicant has removed those phrases from the claims and respectfully requests that the rejection be withdrawn.

35 U.S.C. §103 Rejections

Claims 1-3, 6, and 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0028006 to Novak *et al.* ("Novak"). In response, Applicant respectfully submits that this rejection should be withdrawn.

Regarding independent claims 1, 8, and 10, the Examiner stated in the Office Action that Novak teaches the claimed "reference surface" by teaching of "The local spinning plane is centered at a centroid and a local spinning axis of the anatomical structure of interest" (§0016 of Novak, where the local spinning plane is a reference surface).

In Applicant's invention, the organ surface is used as a reference for selecting voxels of

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volumetric data being equidistant to that reference surface. This way an inner layer of the organ being parallel to the organ surface or an outer layer surrounding the organ in parallel to the organ surface can be visualized. (§0024).

Applicant respectfully submits that Novak fails to teach or suggest all the elements of the claimed invention. For example, amended claims 1, 8, and 10 recite, *inter alia*, that the reference surface is a surface of a body region. Novak's reference is a spinning plane centered at a centroid and a local spinning axis of the anatomical structure of interest. Applicant contends that Novak fails to teach or suggest a reference which is the surface of a body region.

Accordingly, Applicant respectfully submits that amended, independent claims 1, 8, and 10 are patentable over Novak. Based on at least their dependencies, Applicant submits that claims 2, 3, 6, 9, 11, and 12 are patentable as well.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Novak in view of U.S. Publication No. 2003/0099389 to Zeng *et al.* ("Zeng"). Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Novak in view of U.S. Patent No. 6,310,620 to Lauer *et al.* ("Lauer"). If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicant submits that the rejected claims depend from independent claim 1. As previously explained, Applicant contends that amended claim 1 is patentable over the Novak. Therefore, based on at least their dependencies, Applicant submits that claims 4, 5, and 7 are patentable as well. Furthermore, Applicant submits that Zeng and Lauer fail to remedy the deficiencies of Novak with respect to independent claims 1, 8, and 10.

Conclusion

In light of the foregoing, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due. However, please charge any required fee (or credit any

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overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7390-X04-030).

Respectfully submitted,



Paul Bianco, Reg. #43,500
Martin Fleit, Reg. # 16,900

Customer Number: 27317
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO P.L.
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600; Fax: 305-830-2605